

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**UNITED STATES OF AMERICA,**

**VS.**

**CRIMINAL ACTION NO. 2:08CR058-P-S**

**DAVID WALLACE GARRISON,**

**DEFENDANT.**

**ORDER**

This matter comes before the court upon Defendant's motion for judgment of acquittal pursuant to Fed. R. Crim. P. 29(c) [31]. After due consideration of the motion and the response filed thereto, the court finds as follows, to-wit:

"A motion for judgment of acquittal challenges the sufficiency of the evidence to convict." *U.S. v. Lucio*, 428 F.3d 519, 522 (5<sup>th</sup> Cir. 2005) (quoting *U.S. v. Medina*, 161 F.3d 867, 872 (5<sup>th</sup> Cir. 1998)). The standard the court must use in a Rule 29(c) judgment of acquittal is: "whether a reasonable jury could have properly concluded, weighing the evidence in a light most deferential to the verdict rendered by the jury, that all of the elements of the crime charged had been proven beyond a reasonable doubt. [The court is] not required to analyze the evidence with an eye toward negating every possible inference of innocence, rather, if the fact finder was presented with sufficient evidence to support the verdict reached, the verdict must be upheld." *Id.*

Having considered the parties' arguments, the court concludes that the Government presented the jury sufficient evidence to support the verdict as to all counts in the Indictment.

**IT IS THEREFORE ORDERED AND ADJUDGED** that Defendant's motion for judgment of acquittal pursuant to Fed. R. Crim. P. 29(c) [31] is **DENIED**.

**SO ORDERED** this the 27<sup>th</sup> day of August, A.D., 2008.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE